

01-30-03

PTO/SB/29 (2/98)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:



DUPLICATE

**Address to:**

Commissioner for Patents

BOX CPA

Washington, DC 20231

Attorney Docket No.

PC10139AMAG

First Named Inventor

Nancy J. Harper

Examiner Name

Taylor V. Oh

Group/Art Unit

1625

Express Mail Label No.

EV104114567

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 09/417,175 filed on October 11, 1999 entitled Sertraline Oral Concentrate.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OR PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

1. ☐ Enter the unentered amendment previously filed on under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☒ Information Disclosure Statement (IDS) is enclosed:
  - a. ☒ PTO-1449
  - b. ☒ Copies of IDS Citations

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	13-20*=	0	x \$ 18=	\$ 0.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	2 -3**=	0	x \$ 84 =	168.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			x \$ 280 =	0.00
				BASIC FEE (37 C.F.R. § 1.16)	750
				Total of above Calculations =	750.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).				
	* Reissue claims in excess of 20 and over original patent.				Total =
	** Reissue independent claims over original patent.				750.00

6. Small entity status:
- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-1445:
- a. ☒ Fees required under 37 C.F.R. §1.16.
- b. ☒ Fees required under 37 C.F.R. §1.17.
- c. ☐ Fees required under 37 C.F.R. §1.18.
8. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
9. ☐ Other:

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 10. NEW CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

28523



New Correspondence address below

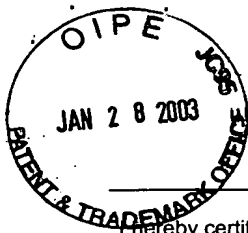
(Insert Customer No. or Attach bar code label here)

Name				
Address				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

## 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (Print Type)	Martha A. Gammill
Signature	<i>Martha A. Gammill</i>
Registration No. (Attorney/Agent)	31,820
Date	1/28/03

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I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Hon. Commissioner for Patents, Washington, D.C. 20231 on this 28 day of January 2003.

By

*Kelley D. Surprenant*  
(Signature of person mailing)  
Kelley D. Surprenant

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:  
N. HARPER ET AL.

CPA OF APPLICATION NO.: 09/417,175, filed on :  
October 11, 1999

Examiner: T. OH

CPA FILING DATE: Herewith

Group Art Unit: 1625

TITLE: SERTRALINE ORAL CONCENTRATE

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

PRELIMINARY RESPONSE IN CONTINUED PROSECUTION APPLICATION FOR U.S.  
APPLICATION SERIAL NO. 09/417,175

This is in reply to the final Office Action dated July 29, 2002, in the above identified parent application. The period for response to this Office Action has been extended to January 29, 2003, pursuant to Applicants' Petition for Extension of Time filed herewith.

Applicants submit that the Continued Prosecution Application filed herewith is co-pending with the parent application, ser. No. 09/417,175. In accordance with 37 CFR § 1.53(d)(8), the title of the invention is "Sertraline Oral Concentrate"; and the Applicants are Nancy J. Harper, Gautam R. Ranade and Williard M. Welch. The correspondence address (Customer No. 28523) is

Gregg C. Benson  
Pfizer Inc.  
Patent Dept., MS8260-1611  
Eastern Point Rd.  
Groton, CT 06340

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1, 7-12 and 14-19 are pending in the present application. These claims have been finally rejected.

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